

the representative that the article is eligible to retain such marks.

[37 FR 9706, May 16, 1972, as amended at 55 FR 47843, Nov. 16, 1990]

**§ 381.215 Poultry or other articles subject to judicial seizure and condemnation.**

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 381.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

- (a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or
- (b) Is capable of use as human food and is adulterated or misbranded; or
- (c) In any other way is in violation of the Act.

**§ 381.216 Procedure for judicial seizure, condemnation, and disposition.**

Any poultry or other article subject to seizure and condemnation under this subpart is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

**§ 381.217 Authority for condemnation or seizure under other provisions of law.**

The provisions of this subpart relating to detention, seizure, condemnation and disposition of poultry or other articles do not derogate from authority for retention, condemnation, or seizure conferred by other provisions of the Act, or other laws.

**§ 381.218 Criminal offenses.**

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not lim-

ited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

**Subpart V—Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein**

**§ 381.220 Definition of “State”.**

For purposes of this subpart, the term “State” means any State (including the Commonwealth of Puerto Rico) or organized territory.

**§ 381.221 Designation of States under paragraph 5(c) of the Act.**

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within the State. The Federal provisions apply, effective on the dates shown below:

States	Effective date of application of Federal provisions
Alaska .....	July 31, 1999.
Arkansas .....	Jan. 2, 1971.
California .....	Apr. 1, 1976.
Colorado .....	Jan. 2, 1971.
Connecticut .....	Oct. 1, 1975.
Florida .....	Dec. 2, 1997.
Georgia .....	Jan. 2, 1971.
Guam .....	Jan. 21, 1972.
Hawaii .....	Nov. 1, 1995.
Idaho .....	Jan. 2, 1971.
Kentucky .....	July 28, 1971.
Maryland .....	Mar. 31, 1991.
Massachusetts .....	Jan. 12, 1976.
Michigan .....	Jan. 2, 1971.
Nebraska .....	July 28, 1971.
Nevada .....	July 1, 1973.
New Hampshire .....	Aug. 6, 1978.
New Jersey .....	Do.
New York .....	Apr. 10, 1977.
North Dakota .....	Jan. 2, 1971.
Northern Mariana Islands .....	Oct. 29, 1979.
Oregon .....	Jan. 2, 1971.
Pennsylvania .....	Oct. 31, 1971.

States	Effective date of application of Federal provisions
Puerto Rico .....	Jan. 17, 1972.
Rhode Island .....	Oct. 1, 1981.
South Dakota .....	Jan. 2, 1971.
Tennessee .....	Oct. 1, 1975.
Virgin Islands .....	Nov. 27, 1971.
Washington .....	June 1, 1973.

[42 FR 2949, Jan. 14, 1977, as amended at 42 FR 13270, Mar. 10, 1977; 43 FR 29269, July 7, 1978; 44 FR 55809, Sept. 28, 1979; 46 FR 43829, Sept. 1, 1981; 53 FR 20101, June 2, 1988; 55 FR 36609, Sept. 6, 1990; 56 FR 8909, Mar. 4, 1991; 60 FR 49495, Sept. 26, 1995; 60 FR 54414, Oct. 24, 1995; 62 FR 61010, Nov. 14, 1997; 64 FR 37667, July 13, 1999; 65 FR 6887, Feb. 11, 2000; 66 FR 2207, Jan. 11, 2001; 67 FR 61768, Oct. 2, 2002]

**§ 381.222 States designated under paragraph 5(c) of the Act; application of regulations.**

The provisions of the regulations in this part apply to operations and transactions wholly within each State designated in § 381.221 under paragraph 5(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment located in such a designated State, shall be granted inspection required under § 381.6(b) only if it is found, upon a combined evaluation of its premises, facilities, and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 381.26 will apply to establishments required to have inspection under § 381.6(b), except that existing interconnections between official and unofficial establishments or between official establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible poultry product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of the regulations. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible poultry product does not enter the official establishment contrary to the regulations.

(c) Sections 381.49 and 381.51 shall apply to such establishments, except

that separate facilities for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage, provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house drainage lines to a point outside the buildings will not be required in existing construction when positive acting back-flow devices are installed.

(d) Subpart N of this part shall apply to such establishments except as provided in this paragraph (d).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the Circuit Supervisor in which the establishment is located. Temporary approval, pending formal approval under § 381.132, will be granted by the Circuit Supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by paragraph 4(h) of the Act.

(2) The Circuit Supervisor will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the Washington, DC; office of the Labels and Packaging Staff and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the Circuit Supervisor (showing any modifications required by the Circuit Supervisor) to the Labels and Packaging Staff, Meat and Poultry Inspection Food Safety and Inspection Service, U.S. Department of Agriculture,